

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ULRICA A. BAILEY,	{	CHAPTER 13
	{	
DEBTOR(S)	{	CASE NO. A13-70156MGD
	{	
	{	JUDGE DIEHL

OBJECTION TO CONFIRMATION

COMES NOW Mary Ida Townson, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.

2. The Debtor(s)' plan does not provide for payment of all of the Debtor(s)' disposable income to the Trustee for thirty-six (36) or more months as required by 11 U.S.C. Section 1325(b)(1)(B).

3. The Chapter 13 budget fails to reflect the Debtor's \$1,300.00 per month self employment income; thereby preventing the contribution of all disposable income to this plan.

4. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (111 months).

5. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).

6. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.

7. Debtor(s) has not filed copies of all payment advices or other evidence of payments received within sixty (60) days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(B)(iv) and Rule 1007(b)(1)(E) F.R. Bankr. P.; specifically, a partial pay advise filed.

Mary Ida Townson, Chapter 13 Trustee
Suite 2200
191 Peachtree Street, N.E.
Atlanta, GA 30303-1740
404-525-1110
eds@atlchl3tt.com

8. The plan reflects that 11 U.S.C. Section 506 valuation is not applicable to the debt owed to Pars Cars. As this vehicle debt was incurred more than 910 days before the petition filing date, the Trustee requests that the plan be amended to properly treat this claim.

9. The Chapter 13 plan is silent as to the classification and/or treatment of non-dischargeable student loan(s), thereby preventing the Chapter 13 Trustee from properly administering the proposed plan, in violation of 11 U.S.C. Section 1322 (a)(3).

10. Debtor(s)' Statement of Financial Affairs is inaccurate and/or incomplete; the Trustee is unable to determine the feasibility of the proposed plan. 11 U.S.C. Section 1325(a)(6); specifically, question #1 omits income from event/wedding planning.

11. The Chapter 13 plan fails to provide for the contribution to the plan, the \$1,500.00 per month budgeted lease expense that expires in May, 2014; thereby, possibly indicating a lack of good faith in proposing this repayment plan, 11 U.S.C. Section 1325(a)(3).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny confirmation of this Debtor's(s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

November 21, 2013

_____/s_____
K. Edward Safir, Attorney
for Chapter 13 Trustee
GA Bar No. 622149

Mary Ida Townson, Chapter 13 Trustee
Suite 2200
191 Peachtree Street, N.E.
Atlanta, GA 30303-1740
404-525-1110
eds@atlch13tt.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

ULRICA A. BAILEY
728 DEERWOOD DRIVE
STOCKBRIDGE, GA 30281

ATTORNEY FOR DEBTOR(S):

CLARK & WASHINGTON
3300 NORTHEAST EXPRESSWAY
BLDG 3, SUITE A
ATLANTA, GA 30341

in the above in the foregoing matter with a copy of this
pleading by depositing same in the United States Mail in a
properly addressed envelope with adequate postage thereon.

This 22nd day of November, 2013

_____/s_____
K. Edward Safir, Attorney
for Chapter 13 Trustee
GA Bar No. 622149

Mary Ida Townson, Chapter 13 Trustee
Suite 2200
191 Peachtree Street, N.E.
Atlanta, GA 30303-1740
404-525-1110
eds@atlchl3tt.com